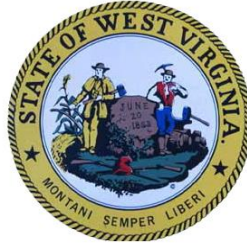


West Virginia Ethics Commission



Open Meetings Checklist

Most gatherings of a quorum of members of a public body to discuss and deliberate toward a decision on matters which require official action are subject to the requirements set forth below:

Notice and Agendas

For State Agencies Only

- ☐ Are notices of all regular and special meetings stating the date, time, place and purpose of the meeting filed electronically with the Secretary of State for publication on the Secretary of State's website at least five days in advance of each meeting? W.Va. Code § 6-9A-3(e)
- ☐ Are notices of emergency meetings (which state the date, time, place and purpose of the meeting and the facts and circumstances of the emergency) filed electronically with the Secretary of State as soon as practicable prior to the meeting? W.Va. Code § 6-9A-3(h)

For All Governing Bodies of Public Entities

- ☐ Has the governing body established rules for issuing notice of the date, time, place and agenda of all regular meetings, and the date, time, place and purpose of all special meetings? W.Va. Code § 6-9A-3. If not, the Ethics Commission's Committee on Open Governmental Meetings has concluded that a governing body may provide reasonable advance notice of the items to be acted upon as follows:

For regular meetings: by issuing the notice and meeting agenda at least three business days in advance of each meeting. Once an agenda has been issued three or more business days in advance, the agenda may only be amended up to two business days in advance of the meeting.

For special meetings: by issuing the notice and meeting agenda at least two business days in advance of each meeting.

For emergency meetings that require immediate official action: as soon as practicable.

- ☐ Are notices of all meetings and agendas posted before the meeting in a public place such as the agency's office, the county courthouse or the local post office?
- ☐ In calculating the notice period, were the date of the meeting, legal holidays, Saturdays and Sundays excluded? (Half-day holidays may be included in calculating the notice period.)

Agendas

- ☐ Does the meeting agenda reasonably describe all matters which require official action by the governing body that will be dealt with at the meeting?

A governing body is not required to indicate whether a matter is anticipated to be taken up in executive session.

Executive Sessions

- ☐ Before holding an executive session, has the matter been included on the agenda?
- ☐ Has the governing body:

(1) Determined by a majority vote that an executive session is required to consider one of the actions permitted under the Open Meetings Act, and

(2) Identified during the open portion of the meeting the "authorization" (the specific portion of W.Va. Code § 6-9A-4(b) of the Open Meetings Act) which permits the executive session to be held? W.Va. Code § 6-9A-4(a) & (b)

The Committee on Open Governmental Meetings has concluded that governing bodies may comply with the requirement in (2) above by describing the subject matter for which the Act authorizes an executive session rather than reciting the specific part of the W.Va. Code. Note that while certain privileged matters may

be discussed in executive session, most matters requiring official action – other than rulings on student disciplinary matters and on developing security procedures -- must be voted upon in public.

Voting

- ☐ Are all votes conducted by voice, show of hands or by rising rather than by use of a secret or written ballot? W.Va. Code § 6-9A-8(b)

Minutes

- ☐ Are meeting minutes prepared and made available to the public and media within a reasonable time after each meeting? W.Va. Code § 6-9A-5
- ☐ Do the minutes include the date, time and place of the meeting? W.Va. Code § 6-9A-5(1)
- ☐ Do the minutes reflect the name of each member of the governing body who was present and absent? W.Va. Code § 6-9A-5(2)
- ☐ Are all motions, proposals, resolutions, orders, ordinances and measures proposed, the name of the person proposing the same, and their disposition, included in the minutes? W.Va. Code § 6-9A-5(3)
- ☐ If the meeting was an emergency meeting, are the facts and circumstances of the emergency explained in the minutes?
- ☐ Are the results of all votes included in the minutes? W.Va. Code § 6-9A-5(4)
- ☐ If a member requested a roll call vote on a particular matter pursuant to the rules, policies or procedures of the governing body, is the vote of each member by name included in the minutes? W.Va. Code § 6-9A-5(4)

Other

- ☐ If a public comment period is provided during the meeting, are members of the public allowed to address the governing body without being required to register more than 15 minutes before the start of the meeting? W.Va. Code § 6-9A-3(c).

Note that the Open Meetings Act does not require governmental bodies to provide public comment periods.

- ☐ Are radio and television stations permitted to record or broadcast the open portion of a meeting so long as their filming or recording does not unduly interfere with the conduct of the meeting? W.Va. Code § 6-9A-9
- ☐ If the governing body elects to allow members to participate in a meeting by telephone, are those members' voices audible to all attending the meeting in person, including the public and the media?

West Virginia Ethics Commission

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